

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS)	
COMMISSION'S TRIENNIAL REVIEW ORDER)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS)	

CONFIDENTIALITY PETITION
PURSUANT TO 807 KAR 5:001 SECTION 7

Petitioner, BellSouth Telecommunications, Inc. ("BellSouth"), hereby moves the Public Service Commission of Kentucky (the "Commission"), pursuant to KRS 61.878 and KAR 5:001, Section 7, to classify as confidential the following information: The Attachment to BellSouth's Response to Item 26 of the Second Set of Data Requests of Competitive Carriers of the South, Inc. ("CompSouth"), dated January 15, 2004.

As grounds for this motion, BellSouth states that the attachment contains CPNI¹ data, the disclosure of which is prohibited by federal law.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c)1. To qualify for this commercial information exemption and, therefore, protect the information as confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001, Section 7. The Commission has

¹ Customer Proprietary Network Information

taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

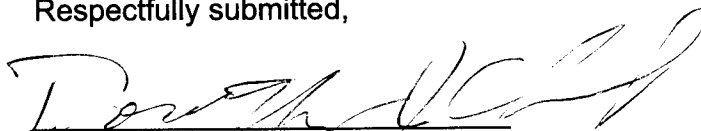
The Attachment to BellSouth's Response to Item 26 of CompSouth's Second Set of Data Requests dated January 15, 2004, contains customer-specific information. Information concerning specific customers is CPNI and should not be publicly disclosed without the approval of the individual customers. Disclosure of customer-specific information is subject to obligations under Section 222 of the Federal Law. Federal law imposes the obligation to maintain the confidentiality of such information ("the 222(a) obligation"). See also KRS 61.878(1)(k). All public records or information the disclosure of which is prohibited by federal law or regulation. Therefore, this information should be afforded proprietary treatment.

The Commission also should grant confidential treatment to the information so designated for the following reasons:

- (1) The information for which BellSouth is requesting confidential treatment is not known outside of BellSouth;
- (2) The information is not disseminated within BellSouth and is known only by those of BellSouth's employees who have a legitimate business need to know and act upon the information;
- (3) BellSouth seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting BellSouth's petition, there would be no damage to any public interest.

For these reasons, the Commission should grant BellSouth's request for confidential treatment of the information set out herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dorothy J. Chambers', written over a horizontal line.

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